

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DIANA FRICK and JOSEPH FRICK, )  
her husband, )  
Plaintiffs, )  
v. ) 2:15cv360  
BIG LOTS STORES, INC., ) Electronic Filing  
Defendant/ Third Party Plaintiff, )  
v. )  
BUREAU VERITAS CONSUMER )  
PRODUCTS SERVICES, INC.; )  
BUREAU VERITAS CONSUMER )  
PRODUCTS SERVICES (INDIA) )  
PVT. LTD.; DESIGNCO OVERSEAS )  
PRIVATE LIMITED a/k/a DESIGNCO )  
INDIA d/b/a DESIGNCO; and HOC )  
INDUSTRIES, INC. f/k/a THE HOME )  
OIL COMPANY f/k/a THE HOME )  
OIL COMPANY, INC. d/b/a )  
HOMESTAR, )  
Third Party Defendants. )

**MEMORANDUM ORDER**

AND NOW, this 10<sup>th</sup> day of January, 2017, upon due consideration of defendant/third-party plaintiff Big Lots' motion for leave to conduct jurisdictional discovery as to third-party defendant Bureau Veritas Consumer Products Services (India) Pvt. Ltd. ("BVCPS – India"), and defendant BVCPS – India's opposition thereto, IT IS ORDERED that [119] the motion be, and the same hereby is, granted. Defendant Big Lots is granted leave to pursue jurisdictional discovery from defendant BVCPS – India over the next 90 days. Defendant Big Lots shall commence its jurisdictional discovery without undue delay.

Defendant Big Lots has presented factual allegations that suggest with sufficient particularity that the possible existence of the requisite minimum contacts with Pennsylvania can

be established. Consequently, it is appropriate to permit the requested jurisdictional discovery before resolving the dispute about whether personal jurisdiction may be exercised over defendant BVCPS – India. See generally Toys "R" Us, Inc. v. Step Two, S.A., 318 F.3d 446, 455-58 (3d Cir. 2003).

s/David Stewart Cercone  
David Stewart Cercone  
United States District Judge

cc: Michael C. George, Esquire  
Jason G. Wehrle, Esquire  
Joshua K. Boggs, Esquire  
Ryan R. Mick, Esquire  
Sara J. Krumholz, Esquire  
Zach T. Mayer, Esquire  
Donald H. Smith, Esquire  
Sharon Z. Hall, Esquire  
Eric Blumenfeld, Esquire  
Joseph F. Butcher, Esquire  
Paul R. Robinson, Esquire  
Benjamin Sorisio, Esquire

*(Via CM/ECF Electronic Mail)*